

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6659

BILL NUMBER: SB 494

DATE PREPARED: Jan 9, 2002

BILL AMENDED:

SUBJECT: Minimum Standards for Chemical Tests.

FISCAL ANALYST: Kathy Norris

PHONE NUMBER: 234-1360

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill requires the Director of the State Department of Toxicology of the Indiana University School of Medicine to adopt guidelines to establish minimum standards for chemical tests to detect the presence of alcohol or a controlled substance. The bill provides that a parolee's parole may not be revoked on the basis of a chemical test unless the test: (1) complies with the guidelines adopted by the State Department of Toxicology; or (2) is a breath test and would be admissible in a proceeding under IC 9-30-5, IC 9-30-6, IC 9-30-9, or IC 9-30-15.

Effective Date: July 1, 2002.

Explanation of State Expenditures: The terms of a parolee's release may specify that the individual remain drug or alcohol free. The Department of Corrections (DOC) Parole Division is responsible for ensuring that parolees comply with the terms of release. If a parolee fails a drug or alcohol screening test, the individual's parole may be revoked and the offender would be returned to a DOC facility to serve the remainder of the original sentence. Depending on the details of implementation, this bill could result in a small additional cost of about \$5,000 to the Department of Corrections for its drug screening program. A laboratory quality assurance program has been discussed by the Department. This program would involve the purchase of control samples which have already been tested by the laboratory at the State Department of Toxicology. These samples would be run through the Department of Correction's system to establish the reliability of the testing outcomes. The cost associated with the quality assurance program would be minimal -the Department estimated approximately \$20 per specimen for about 100 random tests. The Department would also incur the testing expense of about \$25 total.

The bill also requires the State Toxicologist to establish minimum standards for chemical tests to detect the presence of alcohol or a controlled substance. The State Toxicologist is also required to distribute the minimum standards to any party requesting them. A fee may be charged to cover the costs of printing and mailing of the guidelines.

Background: The Department of Corrections uses only urinalysis for this testing having ruled out blood testing as too invasive and hair analysis as not reliable enough. Specimens may be collected in the district offices, county jails, or at a parolee's home. If the collection point performs sufficient volume, it may have a regularly scheduled laboratory pick-up and refrigerated storage facilities available. If a specimen is collected by a parole officer in the field, an overnight mailer is provided to facilitate prompt handling. Maintaining the evidentiary chain of custody is crucial for this testing system and all specimens are handled, taped, and accompanied by a signed statement by the individual being tested.

The Department of Corrections currently contracts with American Institute of Toxicology laboratory to perform laboratory analysis to detect the presence of alcohol or controlled substances for parolees and inmates. The laboratory is supervised by a Ph.D. toxicologist. The testing consists of an initial screening test and a follow-up of potential positive screening results with a gas chromatography mass spectrometry test which is the court-accepted and upheld standard test for the presence of alcohol or controlled substances.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Corrections.

Local Agencies Affected:

Information Sources: Gerry Vance, Department of Corrections, Substance Abuse Program Director, (317) 232-1593; James Klaunig, Ph.D., State Toxicologist, (317) 274-7825.